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HUMAN RIGHTS QUESTIONS

Letter dated 30 June 1995 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

In accordance with General Assembly resolution 48/155 of 20 December 1993, I have the honour to transmit to you a memorandum on the human rights situation in Estonia which was circulated by the Russian delegation at a meeting of the Permanent Council of the Organization for Security and Cooperation in Europe (OSCE) in Vienna on 13 June 1995 (see annex).

I should be grateful if you would have this letter and its annex circulated as an official document of the General Assembly under item 114 of the preliminary list.

(Signed) S. LAVROV

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ANNEX

Memorandum on the human rights situation in Estonia circulated by the Russian delegation at a meeting of the Permanent Council of the Organization for Security and Cooperation in Europe in Vienna on 13 June 1995

1. The situation of the non-Estonian population following the completion of the withdrawal of Russian troops from Estonian territory has not only failed to stabilize but has actually worsened. The serious concern which the Russian delegation has repeatedly voiced on this matter continues to exist at the present time.

Despite the constant attention devoted to this issue by a number of international and human rights organizations, and notwithstanding various statements from the Estonian authorities about their good intentions, legislative and administrative norms which basically discriminate against the Russian-speaking population are being reinforced and enacted into law in the country. Attempts to initiate dialogue between all permanent residents of Estonia and the authorities have come to nothing. The recess in the work of the "round table" chaired by the President of the Republic of Estonia has now gone on for more than six months.

2. This year has already seen the adoption of two laws - on citizenship and language - which, while outwardly conforming to internationally recognized requirements, in the specifically Estonian context further restrict the rights and interests of hundreds of thousands of people.

The Law on Citizenship introduces significantly tougher conditions for acquiring citizenship by naturalization, raises the residency requirement and stipulates far more stringent requirements for knowledge of the Estonian language. In practice, the application of the law deprives a substantial proportion of the Russian-speaking population of the opportunity to acquire Estonian citizenship and bars the way to natural integration for non-citizens of Estonia.

The new Law on Language reinforces discrimination against persons who are not proficient in the State language in many spheres of social, industrial and cultural life which are important for all people. The law pointedly fails to provide for the possibility of instruction in one's native language, which encroaches on the interests of one in three permanent residents of the Republic.

3. The legislative system which has been established in Estonia to regulate the social, economic, property and civil rights of non-citizens instils in these people a sense of diffidence, anxiety for what the future holds, and a constant fear of being deported from Estonia. An incident which occurred this March in which a Russian citizen was forcibly expelled from the country without a chance to exercise his right to appeal against the actions of the authorities through the courts confirmed that this threat is quite real. A dangerous precedent was set for forcible deportation and failure to comply with generally accepted norms with regard to the rights of this alien, who had resided permanently and legally

in Estonia and whose wife, children and grandchildren were left behind in that country.

4. The nearing of the deadline for submission of applications for the granting of residence permits to aliens (12 July 1995) is causing justifiable alarm for nearly 200,000 permanent residents of Estonia. The lack of any legislative guarantees of equality of rights between permanent residents and persons with fixed-term residence permits means that people do not want to be transferred from the category of "permanent" to the category of "temporary" residents and be left "hanging in the air" for a number of years without any opportunity to take part in privatization, draw up invitations for relatives, receive benefits, and so forth.

Recommendations by international experts on granting permanent residence permits to people who had lived in Estonia before 1 July 1990 on the basis of residence permits of the Estonian Soviet Socialist Republic have been ignored by the Estonian authorities.

5. Discrimination has even crept into attitudes towards the Orthodox Church in Estonia, which is under the jurisdiction of the Moscow Patriarchate and has been declared an "illegal structure of the Russian Orthodox Church operating in Estonia". In violation of the Constitution of the Republic of Estonia and international norms, the authorities are blatantly interfering in the internal affairs of the Church by imposing a different canonical jurisdiction on it, spreading disinformation about its activities and actually embarking on the forcible confiscation of places of worship and Church property. The persecution of the Orthodox Church in Estonia is essentially directed not only against clergymen, many of whom were threatened with deportation in connection with problems regarding residence permits. It involves a violation of the rights of believers and a violation of freedom of worship as a whole.

6. It should be noted that with regard to article 15 of the Agreement on Social Guarantees for Russian Military Pensioners, which was signed by the Presidents of both Russia and Estonia, the provision on its application from the moment of signing is openly being ignored by the Estonian authorities. Prior to 1 April this year not a single military pensioner had received a residence permit. Over 10,000 of these pensioners are being deprived of the opportunity to privatize their apartments or receive permanent work permits, in violation of article 8 of the Agreement.